

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ERIC CASEY,

Plaintiff,

v.

9:13-CV-01271 (DNH/TWD)

M. BROCKLEY, Correctional Officer, Great Meadow
Correctional Facility; H. COLVIN, Correctional Officer,
Great Meadow Correctional Facility; A. MAYO,
Correctional Officer, Great Meadow Correctional
Facility; C. GOODRICH, Correctional Officer, Great
Meadow Correctional Facility; WANNINGER,
Correctional Officer, Great Meadow Correctional
Facility; H. CLAPPER, Registered Nurse, Great
Meadow Correctional Facility; T. HERMANCIE,
Registered Nurse, Great Meadow Correctional
Facility; BOYCE, Registered Nurse, Great Meadow
Correctional Facility; and S. RACETTE,
Superintendent, Great Meadow Correctional Facility
Defendants.

APPEARANCES:

OF COUNSEL:

ERIC CASEY

Plaintiff pro se

385 E. 16th Street, Apt. 2D
Brooklyn, NY 11226

HON. ERIC T. SCHNEIDERMAN

Attorney General for the State of New York

Counsel for Defendants

The Capitol

Albany, NY 12224

RYAN E. MANLEY, ESQ.

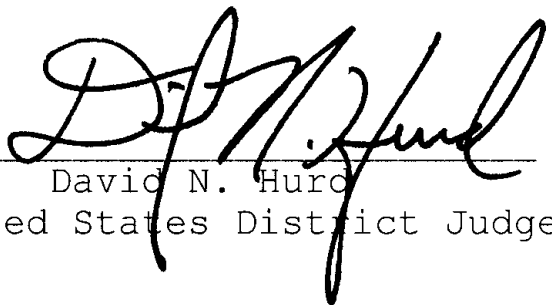
David N. Hurd, United States District Judge

DECISION AND ORDER

The Court has reviewed Plaintiff's amended complaint (Dkt. No. 52) filed January 25, 2016. Pursuant to the Decision and Ordered (Dkt. No. 46) entered on December 3, 2015, Plaintiff's administrative remedies are now deemed unavailable to him and Plaintiff is permitted to proceed with this action. The Judgment (Dkt. No. 47) entered December 3, 2015, is hereby VACATED, and it is further ORDERED that the Clerk is directed to reopen this action and restore same to this Court's docket. Plaintiff's timely filed amended complaint is the operative complaint. Upon review of the amended complaint (Dkt. No. 52) pursuant to 28 U.S.C. § 1915A, the following claims are sufficient and require a response to be filed by Defendants as provided for in the Federal Rules of Civil Procedure: (1) Eighth Amendment excessive force claim against Defendants Brockley, Colvin, Mayo, Goodrich, and Wanninger, (2) Eighth Amendment deliberate indifference to serious medical needs claim against Defendants Clapper, Boyce, and Hermance; and (3) Eighth Amendment supervisory liability claim against Defendant Racette. The Court expresses no opinion on whether the amended complaint can survive a properly made motion to dismiss or motion for summary judgment.

IT IS SO ORDERED

Dated: June 2, 2016
Utica, New York



David N. Hurd
United States District Judge